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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/156,334	09/18/1998	RANJIT N. NOTANI	020431.0463	9944

7590

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BAKER & BOTTS  
2001 ROSS AVE  
DALLAS, TX 752012980

EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/156,334

Applicant(s)

NOTANI ET AL.

Examiner

Thomas A. Dixon

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-12, 15-20 and 48 is/are pending in the application.
- 4a) Of the above claim(s) 8, 9, 13 and 14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 5-7, 10-12, 16-20, 48 is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 21-47 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The rejections of the previous action are withdrawn in view of Applicant's amendments.
2. Applicant's election without traverse of group I in Paper No. 15 is acknowledged.
3. This application contains claims 21-47 drawn to a nonelected invention. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 3-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Abu El Ata (6,311,144).

As per Claim 1.

Ata ('144) discloses a computer-implemented process operable, when executing on a computer system to store a set of predefined functions for a workflow that are to be performed at a plurality of distributed nodes, see column 14, line 66 – column 15, line 3 and column 19, lines 50-52;

the computer implemented process operable when executing on a computer system to manage the workflow by automatically interacting with the workflow at each of the distributed nodes to perform the predefined functions, see column 19, lines 50-52.

As per Claim 3.

Ata ('144) further discloses the set of predefined functions are operable to transmit data associated with operation of the workflow at each of the distributed nodes to a monitoring system, see column 14, line 66 – column 15, line 3, column 19, lines 50-52 and column 13, lines 60-67.

As per Claim 4.

Ata ('144) further discloses the set of predefined functions are operable to deploy the workflow to the distributed nodes, see column 19, lines 50-52.

***Prior Art Made of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nunnally teaches the well known critical path method of project management system associated with the construction industry, that uses project nodes implemented on a computer and which is seen to involve multiple enterprises, as implicitly seen from the description of steps of figure 15-18, page 360, but does not disclose the automatic interaction of nodes claimed.

***Allowable Subject Matter***

6. Claims 2, 5-7, 10-12, 16-20, 48 are allowable.
7. The following is a statement of reasons for the indication of allowable subject matter:

As per Claim 2.

The prior art of record, specifically Flores et al ('069 or '109) in view of Cloud et al ('127) fails to disclose or fairly teach a computer implemented process to manage the workflow by automatically interacting with the workflow at each of the distributed nodes to perform predefined functions, and

a set of predefined functions operable to generate a workflow between a plurality of enterprises.

As per Claims 5, 48.

The prior art of record, specifically Flores et al ('069 or '109) in view of Cloud et al ('127) fails to disclose or fairly teach receiving responses to the response of the second enterprise, the responses of the first and second enterprises ultimately resulting in a final collaboration based on the preliminary collaboration and optimized for the first and second enterprises.

As per Claim 15.

The prior art of record, specifically Flores et al ('069 or '109) in view of Cloud et al ('127) fails to disclose or fairly teach receiving a final collaboration approved by the first, second and third enterprises and

Art Unit: 3629

transmitting a predefined second part of the collaboration to a predefined third enterprise for operation at the third enterprise.

As per Claim 20.

The prior art of record, specifically Flores et al ('069 or '109) in view of Cloud et al ('127) fails to disclose or fairly teach a computer implemented process for monitoring a collaboration across a plurality of enterprises:

receiving at the computer system a first and second set of predefined set of data associated with a first and second portion of the collaboration at a first node and second node of a first enterprise and second enterprise, the data being collected in response to an automatic query of the first and second nodes respectively,

automatically transmitting the set of data from the computer implemented process at the computer system to the monitoring system in response to the querying of the first and second nodes of the first and second enterprises respectively.

The claims 6-7,10-12, 16-19 that depend from the above allowable claims are allowable for the same reasons.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Thomas A. Dixon", with a stylized flourish at the end.

Thomas A. Dixon  
Examiner  
Art Unit 3629

March 25, 2003